

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
December 9, 2014
7:15 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Cynthia Garnholz, Mark Winings, Alex Berger III and Rich Lintz.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Absent: Joanne Boulton

Alderman Winings moved to approve the November 11, 2014 minutes. Alderman Garnholz seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A RESOLUTION TO CONSIDER ACCEPTING THE LOAN OF THE SCULPTURE BY ERNEST TROVA TITLED *TWO STANDING POETS* FROM THE CLAYTON CENTURY FOUNDATION FOR PLACEMENT IN THE CLAYTON GARDEN PLAZA

City Manager Owens reported that in 2012, CCF Arts Chair, Bev Wagner, on behalf of the Clayton Century Foundation, applied for and received on loan from St. Louis County Department of Parks and Recreation two sculptures by the world-renowned artist Ernest Trova (who was born in Clayton). These pieces are on loan to the CCF for a minimum of twenty-five years. These loans were offered to non-profits throughout St. Louis with the condition that the sculptures be placed in public spaces. One of the works, *Geometric Abstract #2*, has been installed as a focal point of the Moneta Garden in Shaw Park. At the recommendation of CCF Arts, the Clayton Century Foundation (CCF) Board of Directors approved offering the second Trova sculpture, *Two Standing Poets* (see Exhibit A), to the City for placement in the Clayton Gardens Plaza located at North Meramec and Kingsbury Blvd. CCF Arts will assume costs related to the installation of the work including signage. The City would thereafter assume basic loan responsibilities which would include insurance of the piece as well as regular maintenance.

Recently the Public Art Advisory Committee (PAAC) met and discussed this offer and the members of PAAC are in agreement that the City should accept the Trova sculpture for the Clayton Gardens site. They indicated that they believe it will make a welcome addition to "Clayton's outdoor sculpture museum."

Earlier this year, Cheryl Verde was asked to email residents of Old Towne to comment on this placement and we received 13 responses. To summarize, eight were in favor of placement, five were opposed. Comments ranged from "I think it would work very nicely where it is proposed" to "Our vote would be a no; the idea of a sculpture in this area is a good one, but this particular choice isn't appealing to us at all – it is too morose and

undefined". As with most public art, there is not agreement on the acceptance of this sculpture; however, with recommendations from both CCF and PAAC it is being proposed to the Board of Aldermen that the City of Clayton accept *Two Standing Poets* and place it within the Clayton Gardens Plaza. Per the City's Donation Policy the Board of Aldermen is charged with determining on a case by case basis whether or not to accept these types of donations.

Recommendation is to approve the acceptance of a loan from CCF of *Two Standing Poets* for placement at the Clayton Garden Plaza, located on North Meramec and Kingsbury Boulevard.

Alderman Harris moved to approve Resolution No. 14-27, to accept the loan for the Trova Sculpture. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER ADOPTING THE CITY OF CLAYTON SIDEWALK AND CURB RAMP ADA SELF-EVALUATION AND TRANSITION PLAN

City Manager Owens reported that planning for this process goes back several years. This project was vetted and recommended through the Capital Improvement Program for funding in the Capital Improvement Fund of the approved FY 2013 Budget. The Board of Aldermen approved a consultant contract in March 2013, and data was collected and analyzed over the course of the following year. An open house was conducted in March 2014, and the plan was revised based upon the input received. The final document and database were handed over to the City in October 2014.

This Americans with Disabilities Act (ADA) Self Evaluation and Transition Plan is specific to pedestrian access within the public rights-of-way and prepared in response to expectations set forth in Title II of the Americans with Disabilities Act (ADA). Access to civic life by people with disabilities is a fundamental goal of the Americans with Disabilities Act (ADA). To ensure that this goal is met, Title II of the ADA requires state and local governments to make their programs and services accessible to persons with disabilities (28 CFR 35.149-35.151). This requirement extends not only to physical access at government facilities, programs, and events -- but also to pedestrian facilities in public rights-of-way. The self-evaluation process creates the opportunity for public entities to identify barriers to accessibility and develop action plans to remove existing barriers and mitigate future barriers stated within the transition plan. This process has assisted the City of Clayton, its Board of Alderman, and staff in identifying policy, practices and physical barriers to accessibility and in developing barrier removal solutions that will facilitate the opportunity of improved access to all individuals within the city's public rights-of-way. This report describes the overall process and findings of a self-evaluation for programs, policies and practices in the Public Works Department and a comprehensive review of the city's public rights of way infrastructure for sidewalks and curb ramps. An overview of the requirements for developing a Transition Plan per federal regulations is provided. Subsequent sections describe the self-evaluation process, reveal the findings, provide recommendations and identify plans to remove barriers over time.

Recommendation is to adopt the Sidewalk and Curb Ramp ADA Self-Evaluation & Transition Plan, generated on behalf of the City of Clayton by Cole Associates in August 2014.

Alderman Berger commented that he attended the open forum held in March and he complimented the Public Works Director, Dale Houdeshell and his team on a job well done.

Alderman Harris introduced Bill No. 6472, an ordinance to consider approving the ADA Transition Plan, to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6472, an Ordinance Adopting the City of Clayton Sidewalk and Curb Ramp Ada Self-Evaluation and Transition Plan, for the first time by title only.

The motion passed unanimously on a voice vote.

Mayor Sanger moved that the Board give unanimous consent to consideration for adoption of Bill No. 6472 on the day of its introduction. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6472, an ordinance to consider approving the ADA Transition Plan, to be read for the second time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6472, an Ordinance Adopting the City of Clayton Sidewalk and Curb Ramp Ada Self-Evaluation and Transition Plan for the second time by title only.

Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6346 of the City of Clayton.

AN ORDINANCE TO CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HOUSTON GALVESTON AREA COUNCIL BUYING GROUP (HGACBUY) FOR THE PURCHASE OF A PUMPER TRUCK

City Manager Owens reported that as part of our continued care to our citizens and visitors, we hereby request approval to enter into an agreement with the Houston Galveston Area Council Buying Group (HGACBUY), a governmental buying cooperative, for the purchase of a new fire truck. This is the FY2016 scheduled replacement of our 2006 Pumper as outlined in the City of Clayton Approved Budget, Equipment Replacement Fund (ERF). The pumper will take over a year to build, so it needs to be authorized now to be received during the FY2016 budget year. In addition the preferred vendor has already announced a price increase, but they will keep us at last year's price until Dec 31st 2014. The increase is 3% which would amount to approximately \$19,500.

HGACBUY is a governmental buying cooperative that has been serving the public sector for over 35 years. All contracts have been awarded by virtue of a public competitive procurement process, compliant with all applicable purchasing standards. The Clayton Finance Department has reviewed the purchasing practices of the buying group and found that they meet or exceed our requirements and are an acceptable method for purchases. An additional benefit of participating in the HGACBUY cooperative is that it allows for purchase of a diverse spectrum of equipment to include public safety equipment, infrastructure equipment and services, communications equipment, Public Works, Parks & Facilities equipment and provides a resource for emergency or disaster related purchasing needs for all of our city departments.

HGACBUY has awarded a contract to Jon's Mid America Fire Apparatus, Rogersville, Missouri, to provide a KME brand fire truck. The Kovatch Organization (KME) world headquarters is located in Nesquehoning, Pennsylvania and the location houses over 700 employees and is the central manufacturing center for all Kovatch vehicles.

Enhancements to the new pumper include rollover stabilization, front passenger air bags, larger compartments to accommodate heavy rescue equipment and relocation of equipment from the top of the truck to a lower areas to lessen the chance of physical injury to firefighters when accessing the equipment.

Recommendation is to approve the purchase of a 2015 KME Custom Pumper per Clayton Fire Department specifications at a cost not to exceed \$648,130 which is within the FY-2016 programmed amount for this purchase.

Alderman Garnholz noted a correction in the bill, (4th whereas) should read *pumper* instead of *ambulance*.

In response to Alderman Berger's question, City Manager Owens and Chief Thorp explained that this is a planned purchase in ERF that will occur when the truck is ten years old. The fire engine is on a ten year replacement schedule in ERF that was developed based on a number of factors such as maintenance records, actual vehicle experience and industry standards. Most of the neighboring departments are on an eight year replacement cycle.

The purchase is being requested at this time to save funds on an end of the year price increase. The actual delivery of the truck and the expenditure of the funds will not occur until sometime in the FY-2016 Budget year. This is a custom built apparatus and requires over a year to finalize construction documents, build, test and deliver the engine.

In response to Mayor Sanger's question, Chief Thorp stated that the life cycle of a ladder truck is 15 years.

Alderman Harris introduced Bill No. 6473, an ordinance to consider authorizing the purchase of a new fire truck as amended, to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6473, an Ordinance Authorizing the City Manager to Enter Into Contracts for the Purchase of a 2015 KME Custom Pumper as amended, for the first time by title only.

The motion passed unanimously on a voice vote.

Mayor Sanger moved that the Board give unanimous consent to consideration for adoption of Bill No. 6473 on the day of its introduction. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6473, an ordinance to consider authorizing the purchase of a new fire truck as amended, to be read for the second time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6473, an Ordinance Authorizing the City Manager to Enter Into Contracts for the Purchase of a 2015 KME Custom Pumper as amended for the second time by title only.

Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6347 of the City of Clayton.

AN ORDINANCE TO CONSIDER ADOPTING FLOODPLAIN REGULATIONS

City Manager Owens reported that on April 24, 1978, at the direction of the Federal Emergency Management Agency (FEMA), the City of Clayton adopted Ordinance No. 3953 authorizing the City's participation in the National Floodplain Insurance Program, thereby qualifying the citizens of Clayton to purchase floodplain insurance.

Since the original Floodplain Ordinance was adopted in 1978, FEMA has from time to time updated the Model Floodplain Ordinance and required participating cities to adopt the updated regulations. The City has complied with FEMA's requests and adopted updated ordinances in 1987, 1988, 1995, and 2003.

The State Emergency Management Agency (SEMA) has directed the City of Clayton to adopt a new revised model Floodplain Ordinance that will reflect FEMA's current requirements including the availability of their floodplain maps on their internet website.

The new ordinance does not alter any areas included in the floodplain, nor does the ordinance impose any additional requirements on properties located within the floodplain area. The 100 year floodplain (Zone AE) in Clayton is limited to a small area adjacent to Black Creek in Clayshire Subdivision, on Haddington Court and Wenneker Drive. This ordinance and its predecessors require that new construction, building additions, and accessory buildings located within Zone AE be constructed with lowest floor elevation one foot above the 100 year flood elevation. The City of Clayton has been enforcing this ordinance since 1978, and nothing in this ordinance will change any of the City's enforcement from what it was previously.

Passage of this revised ordinance is necessary to continue Clayton's participation in the National Flood Insurance Program so that our homeowners in Zone AE can continue to purchase flood insurance to cover damage caused by flooding.

Recommendation is to approve the revised Floodplain Ordinance.

Steve Larson shared a copy of the map with the Board.

City Manager Owens noted that there is no change to the operations and that this is to adopt the current updated regulations per FEMA's requirements.

Alderman Harris introduced Bill No. 6474, an ordinance to adopt the Floodplain Regulations to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6474, an Ordinance Providing for the Repeal of Ordinance No. 5738 Relating to New and Enlarged Existing Buildings, the Use Of Land, Alteration of Utilities and Stream Channels in Areas Vulnerable to Flooding, and Providing for the Enactment of a New Ordinance Related to Flooding and Providing for Adoption of the New Federal Model Floodplain Ordinance, to Avoid Suspension From the National Flood Insurance Program for the first time by title only.

The motion passed unanimously by a voice vote.

Mayor Sanger moved that the Board give unanimous consent to consideration for adoption of Bill No. 6474 on the day of its introduction. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6474, an ordinance to adopt the Floodplain Regulations to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6474, an Ordinance Providing for the Repeal of Ordinance No. 5738 Relating to New and Enlarged Existing Buildings, the Use Of Land, Alteration of Utilities and Stream Channels in Areas Vulnerable to Flooding, and Providing for the Enactment of a New Ordinance Related to Flooding and Providing for Adoption of the New Federal Model Floodplain Ordinance, to Avoid Suspension From the National Flood Insurance Program for the second time by title only.

Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; And Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6348 Of The City Of Clayton.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER A REVISION TO CHAPTER 405 (ZONING REGULATIONS), ARTICLE XXV (OFF-STREET PARKING AND LOADING REGULATIONS) BY THE ADDITION OF A NEW SECTION 405.3670 REGARDING BICYCLE PARKING REGULATIONS

Mayor Sanger opened the Public Hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing and subsequent Ordinance revising Chapter 405 (Zoning Regulations), Article XXV "Off-Street Parking and Loading Regulations", by the addition of a new Section 405.3670 entitled "Bicycle Parking Regulations".

The City of Clayton promotes bicycling as a healthy, environmentally friendly way of getting around. Clayton is well suited for bicycling and more people are using their bikes every day for commuting, shopping, and general transportation. In 2013, the League of American Bicyclists recognized Clayton as a Bronze-Level Bicycle Friendly Community. In order to reach the silver, gold, and platinum levels, the City must continue to support and implement policies, programs, and infrastructure that encourage bicycling. The City received feedback on its application from the League of American Bicyclists, which included recommendations and next-steps the city can take to further promote bicycling. One of the recommendations was to increase the amount of high quality and secure bicycle parking in the City through the adoption of bicycle parking regulations.

Providing bicycle parking encourages people to use their bicycles as transportation. People are more likely to use a bicycle if they are confident that they will find convenient and secure parking at their destination. Providing a designated area for bicycle parking gives a more orderly appearance to a building and prevents cyclists from locking their bikes to unacceptable fixtures such as trees, benches, or railings. The location and design of the bicycle racks is essential, considering that most cyclists will not use racks that appear insecure, do not fit bicycles well, or that are in the wrong location.

The installation of bicycle parking in accordance with the proposed ordinance will ensure that City's bicycle racks are visible, secure and well used. Bicycle racks are relatively inexpensive (\$150-\$300 per rack), and 4-6 racks can typically fit in one automobile parking space.

Over the past year, staff has requested that bicycle racks be included in new commercial and institutional projects in accordance with the proposed regulations, and has received a relatively positive response from applicants. The following projects include bicycle parking in accordance with the proposed bicycle parking regulations:

- 8321 Maryland Avenue (Fifth Third Bank) – 3 Bicycle Racks
- 7922 Bonhomme Avenue (The Crossing) – 23 Bicycle Racks
- 7900 Carondelet Avenue (St. Louis County Courthouse) – 7 Bicycle Racks

The bicycle parking regulations will apply to projects that require Site Plan Review, a new or amended Conditional Use Permit, Architectural Review, or a Building Permit in association with a change in use, increased floor area, number of employees, number of dwelling units, seating capacity, or site changes.

Each building and/or use subject to the regulation must provide at least one bicycle rack. The total number of bicycle racks required is proportional to the type of use and the size of the building. Residential buildings with 1 to 3 dwelling units or those with private garages for each unit are exempt from the bicycle parking regulations.

The required bicycle racks must be located outside the building they serve in a highly visible area within 50-feet of a main building entrance. The bicycle racks may only be located in the public right-of-way with permission from the Department of Public Works. Bicycle racks must be located at least 3 feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping. Each bicycle rack must support two parked bicycles, allowing both the frame and one or both wheels to be secured using a standard U-lock. Inverted 'U' type, 'A' type, posts and loop type bicycle racks are

permitted. Creative designs are allowed subject to approval by staff. If more than 10 bicycle racks are provided, at least half of the racks shall be covered by a roof or overhang.

In order to incentivize additional bicycle parking and to reduce the amount of land devoted to off-street automobile parking, the proposed regulations allow the total number of required automobile parking spaces to be reduced at the ratio of 1 automobile off-street parking space for 1 bicycle rack. The total number of required automobile off-street parking spaces cannot be reduced by more than 10 percent for any project.

Staff may approve alternative compliance or a waiver of the regulations, which may include a reduction or deviation in the number, type, and location of required bicycle racks. Considerations used in making the determination for alternative compliance include site constraints, proximity to existing bicycle parking, and the nature of the proposed building or use.

The proposed bicycle parking regulations are intended to increase the number of high-quality bicycle parking opportunities throughout the city. The regulations were drafted with the goal of being easy to interpret and administer, and allow flexibility for alternative compliance. The regulations are consistent with model and adopted ordinances in other bronze, silver, and gold level Bicycle Friendly Communities, and have been tailored to the unique conditions of Clayton. As previously mentioned, for the past year, staff has requested that bicycle racks be included in new commercial projects and have received a relatively positive response. Bicycle racks are relatively inexpensive (\$150-\$300 per rack), and take up little space on site.

Enhancing and promoting sustainable transportation is a cornerstone of Clayton's policies. Over the past five years, the city has adopted multiple plans and policies related to bicycling, including the Brentwood, Clayton, Maplewood and Richmond Heights Bikeable-Walkable Communities Plan (2009), the Downtown Clayton Master Plan (2010), the Gateway Bike Plan (2012), the City's Complete Streets Policy (2012), and the City's Future Strategic Plan (2012). Each speaks to the importance of enhancing bicycling in the community.

Staff is of the opinion that the proposed regulations are in the best interests of the citizenry as a whole and represent a fair balance between the encouragement of bicycling and the impact to the community. Staff is of the opinion that the adoption of the proposed ordinance is a proactive step that the City can take to further its goals of becoming a more bicycle friendly community and is in line with the City's adopted plans and policies relating to bicycling.

The Plan Commission considered this request at its November 3, 2014 meeting and voted unanimously to recommend approval. A copy of the codified Zoning Ordinance sections is attached for your information.

Recommendation is to conduct a public hearing and approve an Ordinance revising Chapter 405 (Zoning Regulations), Article XXV "Off-Street Parking and Loading Regulations" by the addition of a new Section 405.3670 entitled "Bicycle Parking Regulations".

In response to Mayor Sanger's question, City Manager Owens stated that the staff will have the flexibility to "okay" artistic designs. Louis Clayton added that there is an alternative compliance provision included in the regulations for staff to make decisions.

Mayor Sanger commented that he encourages the use of creativity.

In response to Alderman Berger's question regarding sidewalk accessibility, Louis Clayton stated that they will require placement on private property and there are setback requirements. He added also that those issues would be addressed during the Site Plan Review process.

Mayor Sanger closed the public hearing.

Alderman Harris introduced Bill No. 6475, to consider an amendment to Chapter 405 (Zoning Regulations) to adopt Article XXV (Off-Street Parking and Loading Regulations) of City's Zoning Regulations pertaining to bicycle parking to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6475, an Ordinance Revising Chapter 405 (Zoning Regulations), Article XXV (Off-Street Parking and Loading Regulations) by the Addition of a New Section 405.3670 Entitled "Bicycle Parking Regulations" and Other Actions Related Thereto for the first time by title only.

The motion passed unanimously by voice vote.

Mayor Sanger moved that the Board give unanimous consent to consideration for adoption of Bill No. 6475 on the day of its introduction. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6475, to consider an amendment to Chapter 405 (Zoning Regulations) to adopt Article XXV (Off-Street Parking and Loading Regulations) of City's Zoning Regulations pertaining to bicycle parking to be read for the second time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6475, an Ordinance Revising Chapter 405 (Zoning Regulations), Article XXV (Off-Street Parking and Loading Regulations) by the Addition of a New Section 405.3670 Entitled "Bicycle Parking Regulations" and Other Actions Related Thereto for the second time by title only.

Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; And Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6349 of the City Of Clayton.

Other

The Board relayed a "hats off" and commended the public safety staff for a job well done during the weeks of demonstrations and the Grand Jury decision.

There being no further business the meeting was adjourned at 7:40 p.m.

Mayor

ATTEST:

City Clerk